



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/608,026

06/30/2003

Alan M. Zamore

93930-257525

7377

26694

7590

07/08/2009

VENABLE LLP

P.O. BOX 34385

WASHINGTON, DC 20043-9998

EXAMINER

SERGEANT, RABON A

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

07/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10608026	6/30/2003	ZAMORE, ALAN M.	93930-257525

VENABLE LLP  
P.O. BOX 34385  
WASHINGTON, DC 20043-9998

**EXAMINER**

Rabon Sergent

ART UNIT	PAPER
----------	-------

1796	20090706
------	----------

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The reply filed on March 18, 2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): In response to the prior art rejections, applicant has amended the rejected claims to include a proviso requiring that when the polymer is nylon, the monomer crosslinker is an acrylate, methacrylate, or combination thereof, and applicant argues that the proviso patentably distinguishes the claims from the prior art. However, the prior art specifies polyamide and applicants' rejected claims 38, 44, and 47 specifically recite polyamide elastomer polymer in addition to nylon; therefore, since the prior art is applicable to the polyamide elastomer species, it is unclear how to interpret applicant's proviso, which recites only the nylon species and not the polyamide species, in distinguishing the claims from the prior art. Furthermore, with respect to Bley et al., applicant argues that there is no disclosure of the sheath being a shape memory polymer; however, as noted by the examiner, the reference discloses that the sheath may be heat shrinkable, and the position is taken that this denotes a memory property to the same extent as disclosed by applicant; therefore, clarification of applicant's remarks is requested. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

In response to "Item II. Species Election" set forth within page 10 of the response, the examiner directs applicant's attention to paragraph 6 of the Office action of November 24, 2008.

Any inquiry concerning this communication should be directed to R. Sergent at telephone number (571) 272-1079.

/Rabon Sergent/  
Primary Examiner, Art Unit 1796